

Applicant : Morrow et al.  
Appl. No. : 10/605,643  
Page No. : 8

### REMARKS

Applicants respectfully request reconsideration of the above-identified patent application. Claims 35-55 are pending; claims 35-38, 40-43 and 45-47 are amended; and claims 52-55 have been added. Applicants respectfully traverse the rejections as conceivably applied to the pending claims.

#### I. Obviousness Rejection Based on Thorp and Oliver

As previously presented, claims 35-48 were rejected under 35 U.S.C. 103(a) as being obvious in view of U.S. Patent 446,901 to Thorp ("Thorp") and U.S. Patent 2,031,384 to Oliver ("Oliver").

Thorp discloses a broom handle including a wrapped tube that closes at a seam. A plug is inserted into each end of the tube, with each of the plugs having projections that travel through splits or openings in the tube. As pointed out by the Examiner, Thorp does not disclose the use of a hollow metal tube to reinforce the handle. The Examiner therefore cites Oliver, which discloses a ski pole having either a steel reinforcing tube or a wooden insert. In both embodiments, a screw extends through an opening in both the exterior tube and the reinforcing portion to hold the reinforcing portion in a desired location.

Regarding independent claim 35, neither Thorp nor Oliver discloses a lacrosse handle having a hollow tube that is void of apertures in its lower and intermediate portions. As noted above, both the broom handle of Thorpe and the ski pole of Oliver include an aperture or opening through which a screw or projection is positioned to hold the respective reinforcing portions in place. In

Applicant : Morrow et al.

Appl. No. : 10/605,643

Page No. : 9

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contrast, as recited in claim 35, apertures or openings are not required or included in the lower and intermediate portions of the tube, because the reinforcing inserts are molded onto the inner surface of the tube and are permanently and immovably coupled thereto.

Further, neither Thorpe nor Oliver disclose a lacrosse handle having reinforcing inserts inwardly spaced from the top and bottom ends of the handle and offset from the intermediate portion of the handle. Thorpe discloses plugs positioned at the extreme top end and extreme bottom end of the broom handle. Oliver discloses one “reinforcing tube 61,” which, according to the specification, may be “situated wherever desired for strength and may extend all the way through.” In the present application, the reinforcing inserts are selectively positioned in the areas of the handle that are subjected to maximum forces. Further, the positioning of the reinforcing inserts at the upper and lower portions of the hollow metal tube effectively counterbalances the lacrosse head for easier handling during play.

Additionally, neither Thorpe nor Oliver discloses reinforcing inserts constructed from a deformable foam material, which not only strengthens the lacrosse handle, but also dampens vibrations that occur during play. The cited references disclose the use of wooden or steel reinforcements, which do not absorb vibrations as well as the deformable material recited in amended claim 35. Additionally, the use of a deformable material for the reinforcing inserts reduces the overall weight of the lacrosse handle, as opposed to using wood or steel.

For at least the reasons discussed above, Applicants submit that the rejection of amended independent claim 35 is now unfounded and therefore should be withdrawn.

Applicant : Morrow et al.

Appl. No. : 10/605,643

Page No. : 10

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With respect to independent claim 40, Applicants submit that neither Thorpe nor Oliver discloses a pair of reinforcing inserts that are molded and permanently immovably coupled to an inner surface of a hollow metal tube of a lacrosse stick. As discussed above with respect to claim 35, both Thorpe and Oliver disclose a reinforcement that is fastened to a tube by either a projection or a screw that protrudes through the tube. Molding the reinforcing inserts to the hollow metal tube eliminates the need for openings in the hollow metal tube, and provides a permanent attachment between the reinforcing insert and tube. Further, reinforcing inserts formed from a moldable material may reduce the weight of the lacrosse stick, as opposed to the metal and wooden reinforcement inserts disclosed in Thorpe and Oliver.

Additionally, the proposed combination of Thorpe and Oliver fails to disclose a hollow tube having sidewalls that extend from a first end to a second distal end, with the sidewalls being void of apertures in the second end and along the length of the tube. As noted above, both Thorpe and Oliver require an aperture in the sidewalls of the tube for retaining the reinforcement in place.

Further, as discussed above with respect to claim 35, neither Thorpe nor Oliver disclose a lacrosse handle having reinforcing inserts inwardly spaced from the top and bottom ends of the handle and offset from the intermediate portion of the handle.

For at least the reasons discussed above, Applicants submit that the rejection of amended independent claim 40 is now unfounded and therefore should be withdrawn.

Applicant : Morrow et al.

Appl. No. : 10/605,643

Page No. : 11

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Regarding amended independent claim 45, neither Thorpe nor Oliver disclose one reinforcing insert positioned between a top end and an intermediate portion of a hollow metal tube and another reinforcing insert positioned between the intermediate portion and a bottom end of the hollow metal tube. Nor do the cited references disclose the intermediate and bottom portions of the tube being void of apertures, as discussed above with respect to claim 35.

For at least the reasons discussed above, Applicants submit that the rejection of amended independent claim 45 is now unfounded and therefore should be withdrawn.

Additionally, with respect to dependent claim 36, neither Thorpe nor Oliver disclose a wall thickness defined by reinforcing inserts that varies along the length of the hollow tube. This feature allows the thickness of the reinforcing inserts to be increased in the areas that are subjected to maximum force and decreased in other areas where less reinforcement is required. Varying the thickness of the reinforcing members provides the necessary reinforcement, while minimizing the weight of the lacrosse handle.

With respect to dependent claims 41 and 43, the cited references do not disclose reinforcing inserts that are formed from a deformable foam material molded directly to the inner surface of the tube, with the reinforcing inserts each forming a cavity in the tube (as recited in claim 41) or completely filling the cavity defined by the inner surface (as recited in claim 43).

Regarding dependent claims 46 and 47, neither of the cited references disclose reinforcing inserts that are constructed from a solid core Fiberglass element and/or a solid core foam

Applicant : Morrow et al.

Appl. No. : 10/605,643

Page No. : 12

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element, which are press fit into the hollow tube (as recited in claim 46) or molded in the top end portion and the bottom end portion (as recited in claim 47).

Further, with respect to newly added dependent claims 52-55, Applicants submit that neither Thorpe nor Oliver discloses a reinforcing insert having a cross-section that is octagonal. Nor do the references disclose a reinforcing insert that is formed from a foam material, as recited in claim 54. For these additional reasons, Applicants submit that newly added claims 52-55 are allowable

Moreover, regarding dependent claims 36-39, 41-44, 46-48 and 52-55, these claims depend directly or indirectly from amended independent claims 35, 40 and 45; and it is therefore respectfully submitted that these claims are allowable for at least the reasons set forth above in connection with the respective amended claims.

## II. Obviousness Rejection Based on Oliver and Harmala

As previously presented, claims 35-48 were rejected under 35 U.S.C. 103(a) as being obvious in view of Oliver and further in view of U.S. Patent 5,320,386 to Harmala ("Harmala").

Harmala is cited for the disclosure of a ski pole having an external titanium alloy shaft and an interior stiffening shaft. However, Harmala does not make up for the deficiencies of Oliver and Thorpe discussed above.

For example, Harmala does not disclose a reinforcing member that is molded and permanently immovably coupled to the inner surface of an external tube. In contrast, according to Harmala, the stiffening shaft is either press-fitted or adhered to the external shaft, which may provide a less reliable attachment between the stiffening member and the external tube.

Applicant : Morrow et al.

Appl. No. : 10/605,643

Page No. : 13

Further, Harmala fails to disclose at least *two* reinforcing members that are positioned in the upper and lower portions of a hollow tube for providing increased strength only in the areas that are subjected to significant forces. The placement of the reinforcing inserts in the upper and lower portions of the hollow tube minimizes the weight of the lacrosse stick and also functions to counterbalance the hollow tube. Harmala, in contrast, discloses a stiffening shaft that travels the length of the external tube, which increases the overall weight of the ski pole.

Nor does Harmala disclose a reinforcing insert that varies in thickness across the length of the tube. Harmala specifically discloses that the thickness remains constant throughout the length of the shaft.

For at least these reasons, Applicants respectfully submit that this additional rejection of claims 35-48 is now unfounded and therefore should be withdrawn.

### III. Obviousness Rejection Based on Thorp, Oliver and Brine

As previously presented, claims 49-51 were rejected under 35 U.S.C. 103(a) as being obvious in view of Thorp and Oliver, and further in view of U.S. Patent 6,752,730 to Brine (“Brine”).

Brine is merely cited for the disclosure of a lacrosse head and does not make up for the deficiencies of Thorpe, Oliver and Harmala. Accordingly, for the reasons presented above, Applicants respectfully submit that claims 49-51 are not obvious in view of the proposed combination of Thorpe, Oliver and Brine.

### CONCLUSION

Applicant : Morrow et al.

Appl. No. : 10/605,643

Page No. : 14

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In view of the above amendments and Remarks, Applicants respectfully submit that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested. If the Examiner believes that it would be helpful to resolve any outstanding issues, he is invited to contact the undersigned.

Respectfully submitted,

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